



Association for
Participatory
Democracy

The Action Plan is dead. Long live the Plan!

Elena Prohntchi, April 15, 2008

On April 3, the European Commission made public the second document analyzing the implementation of the European Neighbourhood Policy by the partner countries during the period November 2006 – December 2007 (Communication to the Council and the Parliament on the ENP implementation in 2007). As the first policy document released in December 2006, the current report is accompanied by the Individual Progress Reports and sectoral report.

Main Communication's conclusions

One of the conclusions of the second ENP evaluation report is the belief of the European Commission that the European Neighbourhood Policy is a successful initiative. Thus, from a project with immature financial tools and without a clear finality at the launching moment, after three years of practical implementation, the ENP arrived at being a viable tool of EU in its relations with neighbour states. This satisfaction of the EU regarding ENP did not emerge in first Communication launched in November 2006 mostly speaking about the ENP consolidation and the enhancement of its impact.

Secondly, the current Communication, as the previous one, highlights that ENP is a tool that promotes "the regional integration beyond the European Union" and should not be perceived as a toll of pre-adhesion to the EU. Moreover, the report underlines the existence of a higher development potential of ENP in the EU relations with its neighbours that still remain to be exploited, inclusively by expansion of the economical benefits offered to the partner countries.

Thirdly, the European Union plans to deepen its relations with Ukraine, Moldova, Morocco and Israel. In Moldova and Ukraine cases, the "deepening of the relations" supposes to sign a new contractual agreement with the EU. However, until the new agreements would be signed, the current operational instruments – Action Plans – remain in place. These would have been adjusted to the "ambitions and capacities of the partner countries, reflecting the differentiated relations of the EU with its partners". Namely, the new instruments will be directly conditioned by the progress made by the partner countries in implementation of Action Plans. It is significant that the new Action Plans structurally will not differ too much from the old ones – the 7 activity domains will be maintained. Depending on the case, only objectives and actions will change. The progress scored by partner countries on the governance field, will represent, also, the main indicator in offering the EU financial assistance in 2008.

Moldova Progress Report

Nevertheless, the Moldova Progress report was the most waited in Chisinau. This report assesses the progress scored by Moldova in implementation of the EU-Moldova Action Plan and presents the main achievements and problems of this process. Generally, the European Commission appreciated the Moldova's progress as a "good" one, Moldova together with

Ukraine, Morocco and Israel forming the group of states that registered the main progress within the ENP framework. However, analyzing the progress reports of all above-named countries, one can notice that only Morocco and Israel received from the European Commission the qualifying term of "active partner", while appreciations for Moldova and Ukraine were more reticent.

According to the country progress report, Moldova has made progress in all domains included in EU-Moldova Action Plan, in particular: the improvement of the institutional framework, the introduction of the procedures on control and certification of origin for exported goods, signing the agreements on the autonomous preferential agreement and on visa facilitation and readmission, cooperation with the EU in the Transnistrian conflict settlement process and the foreign policy issues, the cooperation within the EU Border Assistance Mission (EUBAM), progress in reforming the health system, in the competition policy by creating the National Agency for Competition Protection (qualified as a "good progress") and the protection of the intellectual property rights.

On the other hand, as it was expected, Moldova continues to be overdue in many domains: 1) the inadequate implementation of the legislation on the local self-government; 2) weak quality of the judicial system; 3) extended prerogatives of General Prosecutor's Office; 4) political influence of the Centre for Combating Corruption and Economic Crime's activity; 5) insufficient protection of the human rights and fundamental freedoms, in particular, the freedom of expression, freedom of religion and freedom from torture; 6) poor freedom of mass media, especially related to the public audiovisual media; 7) deficient implementation of the legislation on labour standards; 8) less transparent and unsafe business and investment climate. Nonetheless, by the frequency of appearances in the report, the main problem of Moldova remains the deficient and inconsequent application of the already EU-harmonized legislation and the reforming strategies.

It is indubitable that Moldova has made progress in implementation of the EU-Moldova Action Plan, but reviewing the Moldova's domains with moderate progress or no progress at all, the question regarding the reason of such a positive evaluation of the European Commission raises involuntarily. One explanation for the European Commission granting such a good mark in advance is to maintain Moldova on the way of reforms and to impel the process of its domestic "Europeanization". In this regard, the European Commission is inclined to raise the financial allocation offered to Moldova through the European Neighbourhood and Partnership Instrument (ENPI) by 250 million euro, in addition to 210 million euro initially earmarked for the period 2007–2010. Thus, the assistance per capita will increase to 15 euro per year, the biggest in the region. It is noteworthy, that the assistance will be oriented to the concrete sectors, including the "overdue" ones, for stimulating their reforming process.

What follows?

During the last year, the Moldovan diplomacy has intensified its efforts in attracting as many supporters as possible, especially among the new EU states, for receiving the European Commission's mandate to launch the negotiations on signing the new legal agreement with Moldova. The new agreement should follow the current Partnership and Cooperation Agreement. The Moldovan authorities want much the new agreement to specify clear-cut the European perspective of Moldova and the gradual implementation of the European freedoms. Nevertheless, the European officials repeatedly stressed that the content of the new agreement

will depend to a large extent by the conclusions of the country progress report on realization of the EU-Moldova Action Plan^[1]. Since the European Commission evaluation is positive, it seems that Moldova could follow Ukraine in negotiating a new agreement with the EU. But, still there is along way until the negotiations start and the new agreement is signed. The final result – a new qualitative agreement with the EU or the extension of the EU- Moldova Action Plan for an indeterminate time- will depends, to a large extend, by the capacity of Moldova to continue the political and economical reforms in compliance to the EU-Moldova Action Plan. Not less important will be the exam of the electoral campaign for the parliamentary elections in 2009. It is clear, that only after the parliamentary elections will be held (according to the democracy standards) we can realistically speak about a new legal framework with the EU. By that time, Moldova should excel in implementation of the current or adjusted Action Plan.

¹ See the Conclusion of the Council of the European Union on Moldova from February 18, 2008.